

REMARKS/ARGUMENTS

Applicants' Species Election

Applicants elect, with traverse, Species I (i.e., N-terminal amino acid deletions). Claims 8-13 read on the elected species. Reconsideration of the species restriction requirement is hereby requested.

Discussion of the Restriction Requirement

The Office contends that the Species I-III are distinct because the protein modifications produce different compounds that require separate searches and consideration.

Applicants respectfully submit that there would not be a serious burden on the Office if the species were searched together. In particular, each of the claims of Species I-III are directed to a DnaK protein. The nature of the claims, and the subject matter encompassed by the claims, is such that there would be no undue burden on the Examiner to consider all the claims at the same time. Additionally, the Examiner has failed to show by appropriate explanation any separate classification, separate status in the art when classifiable together, or a different field of search for Species I-III. Applicants are not asserting that the pending claims necessarily stand and fall together. Instead, Applicants contend that the relationship of the pending claims, and subject matter encompassed by the pending claims, renders the species restriction requirement improper.

Accordingly, Applicants respectfully request that the Examiner withdraw the species restriction requirement issued against the pending claims. In any event, consistent with an election of species requirement, other species within the elected "genus" (i.e., claims 8-16 of Group F) should be considered by the Examiner upon an indication of allowable subject matter with respect to the elected species.

Conclusion

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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